

**EXHIBIT 8**



# City of Revere

**Brian M. Arrigo**

Mayor

**Michael Wells**

Director of Municipal

Inspections

Health Agent

American Legion Building

Office of Municipal

Inspections

249R Broadway

Revere, MA 02151

O: 781-485-8470

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December 21, 2022

**Via Service by Constable and Posting at the Property**

Water's Edge Limited Partnership  
c/o Evelyn M. Carrabeta, Resident Agent  
394 Ocean Avenue  
Revere, MA 02151

**Re: Order to Correct  
364 Ocean Avenue, Revere, MA 02151**

Dear Resident Agent:

In accordance with Sections 127A and 127B of Chapter 111 of the Massachusetts General Laws, 105 CMR 400.00: State Sanitary Code, Chapter I; 105 CMR 410.00: State Sanitary Code, Chapter II; Title 780 CMR, Title 527 CMR, and Chapter 148 of the Massachusetts General Laws, a voluntary inspection was made of 364 Ocean Avenue, Revere, Massachusetts, on November 21, 2022. Representatives from the Health, Building, and Fire Departments conducted the inspection on behalf of the City. Aldo Parnasso, Louis Segale, and representatives of Henson Alarm were present on behalf of the Owner. A follow-up inspection was conducted on December 14, 2022 by representatives from the Building and Fire Departments. Present on behalf of the Owner at this time was Mr. Parnasso and Mr. Segale.

The subject property is numbered as 364 Ocean Avenue and is generally known as Ocean Shore Tower ("Property"). The Property is described in a Quitclaim Deed registered at the Suffolk County Registry of Deeds on Certificate 98598 as Document No. 394765. The City's Parcel Identifier for the Property as maintained by the Assessor's Office is 008-160-161-001A.

The Property is a residential apartment tower with a sublevel garage exposed to the exterior. The tower is comprised of thirteen floors, including the lobby, and contains a pool on the first floor. The tower is serviced by two elevators.

In 2017, following numerous complaints and service calls to the Property, the City issued an extensive 376-page Order to Correct regarding the conditions at 364 Ocean Avenue and 370 Ocean Avenue. At the time of the most recent inspections, it was clear that some of the issues flagged in the 2017 Order remain outstanding. Those outstanding violations are noted below.

The Revere Fire Department responded at the Property on November 17, 2022, following reports of heavy water damage from the seventh-floor laundry room which affected all floors below. The fire alarm panel was also affected by the water damage and upon inspection it was revealed that the panel is no longer functional. *See Exhibit A – Fire Department Report.*

On November 18, 2022, an Order of Notice was issued by the Revere Fire Department. The Order immediately called for a fire watch to be placed at the building at the Owner's expense, an additional inspection of the Property following the failure of the fire alarm panel, and the complete replacement of the panel, among other things. *See Exhibit B – Order of Notice.*

Due to the extensive repairs that will be required to bring the Property back up to code, as stated in further detail below, the Owner shall be required to hire a Registered Design Professional as is provided for in 780 CMR 107.6.1. The Registered Design Professional shall hold a valid license from Massachusetts as is required by 780 CMR 2.00. Further the Owner shall be required to submit a high-rise safety plan in accordance with 527 CMR 1.0 §10.8.1.

You are hereby ORDERED to Correct the following violations:

Exterior

**410.500 – Owner's Responsibility to Maintain Structural Elements:** On the exterior of the building, many of the decks and balconies were made of wood. The Owner shall take action to install appropriately fire-rated decks so as to protect against fire, burn, or other accident. *See also 410.750 – Conditions Deemed to Endanger or Impair Health or Safety.*

**410.500 – Owner's Responsibility to Maintain Structural Elements:** On the exterior rooftops and passageways, the railings were found to be made of wood. Further, some of those wooden railings were broken, deteriorating, charred, and showed signs of having previously caught fire. *See also 410.503 – Protective Railings and Walls.* The Owner shall take action to install and maintain the proper fire-rated railings so as to protect against fire, burn, or other accident. *See also 410.750 – Conditions Deemed to Endanger or Impair Health or Safety.*

**410.351 – Owner's Installation and Maintenance Responsibilities:** The exhaust fan housing and elevator fan on the roof appeared to have been replaced without a permit. An older exhaust fan housing was observed in the elevator room. The Owner shall take action to obtain a permit for the installation, maintenance, or removal of the exhaust housing and shall request an inspection of any and all work that has been done.

### Fire Alarm Panel

**410.750 – Conditions Deemed to Endanger or Impair Health or Safety:** At the time of the inspection, the fire alarm panel was found to be inoperable, leaving the Property without adequate warning should a fire break out. As a result, a fire watch has been placed at the Property. While the panel is inoperable, the Owner shall take action to post notices of the fire watch and install pull stations. Any non-operational pull stations must be properly marked with clear signage. Further, no hot work shall take place within the building without a separate fire detail member present.

The panel cannot be safely repaired with spare parts as it is no longer supported by the manufacturer. In 2017, the City flagged this issue regarding the fire alarm panel, stated that it was showing signs of failure even at that time, and urged its upgrade and replacement. No such replacement occurred. As a result, the panel must be completely replaced following the water damage in accordance with 780 CMR 907.0, 780 CMR 907.6.6, NFPA 20, and NFPA 72. A permit application seeking to do this work (EF22-000268) was received on November 26, 2022 but requires additional information to be uploaded in order to be further reviewed.

This replacement may trigger several other large-scale construction projects, including but not limited to: (1) the construction of a command center, (2) smoke control testing, (3) radio communication testing, (4) back up power systems and replacement/resizing of the generator to support the new system, and (5) suppression testing with a review by a licensed and experienced professional engineer. *See Exhibit B.* The owner shall consult with the Revere Fire Department before undertaking any of the repairs, so as to ensure that they are being done in a safe and code compliant manner and shall hire a fire protection engineer to submit an NFPA 241 fire protection plan in accordance with 780 CMR Chapter 33. *See 410.482 – Smoke Detectors and Carbon Monoxide Alarms.*

### First Floor

**410.500 – Owner’s Responsibility to Maintain Structural Elements:** On the first floor, both in the lobby as well as in the pool areas, many cut, missing, or water-damaged ceiling tiles were observed. The Owner shall take action to cause all ceiling tiles to be replaced and to maintain all structural elements in accordance with all applicable laws, codes, and ordinances. Further, the Owner shall take action to investigate and remediate the source of the leaks.

### Apartment Units

**410.482 – Smoke Detectors and Carbon Monoxide Alarms:** During the November inspection, spot checks were done on units 205, 206, and 910 which, at that time, were vacant. Inspections were undertaken at these units to assess the detection capabilities of the smoke and carbon monoxide alarms within. The Owner shall conduct a thorough walkthrough of all other units, both occupied and vacant, to replace any and all deficient, expired, or otherwise non-compliant devices. Following this walkthrough, the Owner shall be required to provide a status update to the Revere Fire Department regarding the detection capabilities of the units and obtain a permit

for the replacement of any and all fire protection devices. Currently a Fire Alarm System Permit has been applied for as of December 12, 2022 (EF22-000287) but the application requires additional information. *See also 410.750 – Conditions Deemed to Endanger or Impair Health or Safety.*

**410.482 – Smoke Detectors and Carbon Monoxide Alarms:** Corroded and loaded (heavy dust content which can cause ineffectiveness) sprinkler heads were found in Units 910 and 206. The Owner shall take action to cause all sprinkler heads to be replaced or otherwise repaired so as to be in working order. *See also 410.750 – Conditions Deemed to Endanger or Impair Health or Safety.*

**410.750 – Conditions Deemed to Endanger or Impair Health or Safety:** At the time of the November inspection, it was revealed that there had been a delay in the electrical service in one of the inspected units. Following the move-out of a tenant, the Owner must contact National Grid immediately to set up an electrical account in its name so as to restore electricity in all unoccupied units.

#### Stairways, Hallways, and Common Space

**410.500 – Owner's Responsibility to Maintain Structural Elements:** Numerous incorrect or incomplete fire rated door assemblies have been installed at the Property. A number of the fire doors were neglected or modified so as to diminish their rating, including in the trash, electrical, and laundry rooms. An incorrectly rated fire door assembly can create an impediment to egress, which could result in occupants becoming trapped in the event of a fire. In addition, several of these doors did not close properly, did not have handles, or were otherwise damaged. This includes the doors to the electrical room, which must open without panic hardware. The Owner shall take action to cause all door assemblies to be installed, maintained, or removed in accordance with all applicable laws, codes, and ordinances. Further, the Owner shall obtain an inspection from an independent inspector specializing in fire door inspections. *See 527 CMR 12.4.6.6 and NFPA 80.*

**410.500 – Owner's Responsibility to Maintain Structural Elements:** A leak running from the seventh-floor laundry room caused water damage to various portions of the floors below. The Owner must take action to remediate the source of the leak and any and all resulting water damage.

**410.482 – Smoke Detectors and Carbon Monoxide Alarms:** Corroded and loaded sprinkler heads were found throughout the common areas. The Owner shall take action to cause all sprinkler heads to be replaced or otherwise repaired so as to be in working order. *See also 410.750 – Conditions Deemed to Endanger or Impair Health or Safety.*

**410.750 – Conditions Deemed to Endanger or Impair Health or Safety:** Several areas throughout the building, including the hallways, ceiling tiles, and portions of the staircases have begun to grow what appears to be mold. The Owner must take immediate action to have these conditions abated, the mold removed, and a test of the air quality conducted. The mold conditions should be evaluated by an appropriately licensed professional.

**410.500 – Owner’s Responsibility to Maintain Structural Elements:** Throughout the hallways, staircases, and common areas, many cut, missing, or water-damaged ceiling tiles were observed. The Owner shall take action to cause all ceiling tiles to be replaced and to maintain all structural elements in accordance with all applicable laws, codes, and ordinances. Further, the Owner shall take action to investigate and remediate the source of the leaks.

**410.500 – Owner’s Responsibility to Maintain Structural Elements:** Numerous holes were observed in the fire-rated sheetrock throughout the building, including in the thirteenth floor hallway. The Owner must take action to restore the fire-rating of these structural elements by repairing or replacing them in accordance with all applicable laws, codes, and ordinances.

**450.750 – Conditions Deemed to Endanger or Impair Health:** Several areas throughout the building, including the stairwells, appeared to be missing the appropriate signage denoting floor number and must be replaced in accordance with all applicable laws, codes, and ordinances.

**410.483 – Auxiliary Emergency Lighting Systems and Exit Signs:** Several areas throughout the building, primarily in the stairwells, are missing emergency lighting, including the stairwells between the first floor and garage/move out areas. The Owner shall cause the appropriate emergency lighting systems to be installed in these areas in accordance with all applicable laws, codes, and ordinances.

#### Garage

**410.500 – Owner’s Responsibility to Maintain Structural Elements:** 364 Ocean Avenue and 370 Ocean Avenue share a common garage. As in 370 Ocean Avenue, where code remediation efforts in the garage have already been ordered, there are many spots in the 364 Ocean Avenue garage where the steel framing within the garage is exposed and the required fire proofing is missing. The Owner shall be responsible for correcting these issues by applying for the appropriate permits from the Fire and Building Departments and commencing remediation so as to comply with all applicable laws, codes, and ordinances. Further, all defunct permits from prior incomplete projects must be closed out.

**410.500 – Owner’s Responsibility to Maintain Structural Elements:** Portions of the gypsum walls and ceiling were cracked, deteriorating, and not properly installed. The Owner must take action to repair these areas and to maintain them in accordance with all applicable laws, codes, and ordinances.

**410.482 – Smoke Detectors and Carbon Monoxide Alarms:** At the time of the inspection, the garage was still lacking sufficient fire protection, including fire extinguishers. The Owner shall take action to cause all necessary and required fire extinguishers and other fire protection equipment to be installed and replaced in the appropriate locations within the garage. *See also 410.750 – Conditions Deemed to Endanger or Impair Health or Safety.*

**410.451 – Egress Obstructions:** At the time of inspection, it was discovered that the only two exit doors in the garage were locked, blocking the egress path and creating an additional risk of

entrapment in the event of an emergency. This is of particular concern given that the fire alarm panel is inoperable. The Owner must take action to remove the locks from these doors or make approved alterations to the locking system and clear the egress path. See also 410.750 – Conditions Deemed to Endanger or Impair Health or Safety.

**410.483 – Auxiliary Emergency Lighting Systems and Exit Signs:** The garage doors mentioned above are missing exit signs. The Owner must cause these exit signs to be replaced or installed.

**410.351 – Owner's Installation and Maintenance Responsibilities:** Several areas of the garage contained corroded or hanging sprinkler pipes. The Owner must take action, and apply for all necessary and required permits, to cause all plumbing elements to be maintained safely and in accordance with accepted plumbing standards and in conformance with all applicable laws, codes, and ordinances.

**410.351 – Owner's Installation and Maintenance Responsibilities:** Several sections of the garage contained hanging electrical wires. This is especially dangerous given that the electrical wiring was in contact with the sprinkler piping. The Owner must take action, and apply for all necessary and required permits, to cause all electrical elements to be maintained in a neat and workmanlike manner in accordance with accepted wiring standards and in conformance with all applicable laws, codes, and ordinances.

**410.482 – Smoke Detectors and Carbon Monoxide Alarms:** The antifreeze fire suppression system is out of compliance and shows signs of extreme disrepair and neglect, including, as observed in November, rat traps attached to the piping. The Owner shall take action to cause the antifreeze system to be kept free and clear of all trash, garbage, and debris, and to hire a fire protection engineer to upgrade or repair the system.

#### Pump Room (Fire Suppression System)

**410.351 – Owner's Installation and Maintenance Responsibilities:** At the time of the November inspection, the fire pump and its accompanying elements did not appear to be maintained. Rusting, corrosion, and other signs of disrepair were observed in a similar fashion to 2017. The Property is required to have a fire pump system in order to protect residents throughout the building. *See 780 CMR 913.1-913.2; 527 CMR 1.001.1.* Following the November inspection, the Fire Department ordered testing of the fire pump, which revealed that the pump was not functioning properly and must be replaced. The December reinspection of the Property revealed that the fire pump has begun to leak. The Owner shall be responsible for replacing the fire pump, by hiring appropriately licensed contractors, including but not limited to a fire protection engineer, to oversee the project.

#### Trash Room

**410.602 – Maintenance of Areas Free from Garbage and Rubbish:** Upon information and belief, the trash room is constantly full and overflowing to the point that the trash chute is being blocked. The Owner shall take action to keep the room and all chutes in safe, working condition,

schedule additional trash pickups as needed, and provide a brief safety plan to the Revere Fire Department regarding how this will be accomplished.

**410.750 – Conditions Deemed to Endanger or Impair Health or Safety:** At the time of the inspection, the trash room heating system appeared not to be operational. A non-operational heating system can seriously affect the fire alarm system devices. The Owner shall take action to ensure that all heating systems, including those in the trash room and move out area, are properly maintained and functioning.

**Boiler Room**

**410.451 – Egress Obstructions:** At the time of the inspection, the boiler room egress doors appeared to be installed incorrectly. The Owner shall take action to install two slab door with crash bars for emergency access.

This Order contains in excess of 25 violations. These violations must be abated and corrected and the Owner must contact the City to schedule a re-inspection. If the violations are not corrected, the City may issue daily tickets pursuant to this Order in an amount up to \$500.00 per day for each violation of the State Sanitary Code which has been identified.

**Rights of Appeal**

Should you be aggrieved by this Order, you have the right to request a hearing before the Board of Health. A request for said hearing must be received in writing in the office of the Board of Health within seven (7) days of receipt of this notice. If the violations are corrected and you wish an earlier re-inspection, please contact us.

You have the right to be represented at the hearing and any affected party has the right to appear at said hearing.

You also have the right to inspect and obtain copies of all relevant inspection or investigation reports, orders, notices, and other documentary information in possession of the Board of Health.

\*\*\*Este es un documento importante legal. Puede afectar sus derechos. Usted debé tenerlo traducido\*\*\*

Sincerely,

/s/ Michael Wells

Michael Wells, Director of Municipal Inspections

/s/ Louis Cavagnaro

Louis Cavagnaro, Building Commissioner

/s/ Mark Locke

Mark Locke, Plumbing Inspector

/s/ Paul Cheever

Deputy Fire Chief, Paul Cheever

/s/ Matteo Fabiano

Matteo Fabiano, Electrical Inspector